

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

XL SPECIALTY INSURANCE COMPANY, a)	
Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08 CV2377
)	
PAUL J. KING, JR., an Illinois citizen,)	
SANDRA DIXON JILES, an Illinois citizen, and)	
SHAM DABADGHAO, an Illinois citizen,)	
)	
Defendants.)	
)	

**MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE PLEAD AND TO
EXTEND TIME TO SUBMIT DISCOVERY SCHEDULE**

Defendant, Paul J. King, Jr. ("King"), by and through its attorneys, Kevin P. Brown, Esq. and Rieck and Crotty, P.C., hereby move the Court, pursuant to Rule 6 of the Federal Rules of Civil Procedure, for an extension of time to answer or otherwise plead to Plaintiff, XL Specialty Insurance Company's ("XL"), Complaint for Breach of Indemnity Contract ("Complaint") and for an extension of time to submit a discovery schedule and in support thereof, states as follows:

1. This is a cause of action for breach of an Agreement of Indemnity (hereinafter "Indemnity Agreement") in which UBM, Inc. ("UBM"), a construction company, and the Defendants herein agreed to indemnify and hold harmless XL from and against all losses, costs and expenses as a result of the issuance of a construction bond to UBM.

2.. UBM is a principal obligor and contract indemnitor but is not named as a defendant in this litigation because it is a debtor in bankruptcy proceeding pending in the Northern District of Illinois, Eastern Division, Case Number 06-17219.

3. As of the date of the filing of this Motion, the Defendants, King and Sham Dabadghao (“Dabadghao”), have been served and the movant herein, King, has filed his appearance.

4. Plaintiff has not yet obtained service on the Defendant, Sandra Dixon Jiles.

5. On information and belief, Defendant, Dabadghao, has spoken to Plaintiff’s counsel regarding obtaining additional time to file his Appearance and Answer to Plaintiff’s Complaint.

6. In addition, the Defendants, King and Dabadghao, through counsel have begun preliminary discussions regarding the possible settlement of this litigation.

7. In that regard, Plaintiff has requested certain financial information from said Defendants.

8. King and Dabadghao are in the process of providing Plaintiff with such information so that they may continued their settlement discussions thereafter.

9. The parties believe that at the present time their efforts are better spent attempting to settle the present litigation prior to incurring the cost of litigating this matter further.

10. However, a complete settlement of this matter cannot be reached, nor may this litigation proceed efficiently until such time as the Defendant, Sandra Dixon Jiles, is served and has appeared herein.

11. Accordingly, King would request that his time to answer or otherwise plead to Plaintiff’s Complaint and the time to submit a discovery schedule to the Court be extended to August 29, 2008.

12. Such an extension, will allow King and the other parties herein to complete their settlement discussions with the Plaintiff and will allow the Plaintiff sufficient time to obtain

service on the Defendant, Sandra Dixon Jiles, so that an efficient discovery schedule can be presented to the Court, if necessary.

WHEREFORE, Defendant, Paul J. King, Jr., requests, pursuant to Rule 6 of the Federal Rules of Civil Procedure, that his time to answer or otherwise plead to Plaintiff's Complaint and the date by which the parties must submit a discovery schedule be extended to August 29, 2008.

Respectfully submitted,

PAUL J. KING, JR., Defendant

By: /s/ Kevin P. Brown
One of its attorneys

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